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Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Question of Western Sahara

Report of the Secretary-General

Summary

The present report, submitted pursuant to General Assembly resolution 68/91, summarizes the last report submitted by the Secretary-General to the Security Council on the situation concerning Western Sahara for the period from 1 July 2013 to 30 June 2014 (S/2014/258).

* A/69/150.

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1. On 11 December 2013, the General Assembly adopted resolution 68/91 on the question of Western Sahara without a vote. The present report, covering the period from 1 July 2013 to 30 June 2014, is submitted in accordance with paragraph 7 of the aforementioned resolution.

2. Pursuant to Security Council resolution 2099 (2013) of 25 April 2013, I submitted a report to the Security Council on the situation concerning Western Sahara (S/2014/258 of 10 April 2014). In that report, I informed the Council of the activities of my Personal Envoy for Western Sahara, Christopher Ross, to promote negotiations on Western Sahara, and of the existing challenges to the operations of the United Nations Mission for the Referendum in Western Sahara (MINURSO).

3. During the reporting period, my Personal Envoy, concluding that 13 rounds of face-to-face talks on the basis of the parties' two proposals of April 2007 had produced no results, embarked upon a period of bilateral consultations with the parties and neighbouring States to gauge whether the parties were prepared to be flexible in developing the elements of a compromise solution and how the neighbouring States could be of assistance. The broad lines of this new approach were first presented to the parties and neighbouring States by my Personal Envoy during his visit to the region in March-April 2013. He presented the parameters of the new strategy during a trip to the region in October 2013, and took the first steps toward its implementation in January, February and March 2014. In all those activities, and particularly in his periodic interaction with Western Saharans themselves, my Personal Envoy benefited from the reporting, insights and logistical assistance of my Special Representative for Western Sahara and of the entire MINURSO staff.

4. Following a series of bilateral consultations on the margins of the sixty-eighth session of the General Assembly, my Personal Envoy travelled to the region from 12 to 25 October 2013 to make the acquaintance of new interlocutors in Morocco, Algeria and Mauritania and to confirm their readiness to proceed with the new approach outlined during his previous consultations. He asked the parties to name small working groups to engage with him in this new phase and made it clear to both parties and neighbouring States that future discussions would have to address both of the crucial aspects of the Security Council's repeated guidance: first, the substance of a mutually acceptable political solution, and second, the means by which self-determination will occur.

5. At all stops, my Personal Envoy emphasized that flexibility is needed from all concerned if progress is to be made, since the negotiating process is being conducted under Chapter VI of the Charter of the United Nations, and each party is thus free to accept or reject the proposals of the other. He recalled that, for the United Nations, the formal parties to the negotiations are Morocco and the Frente Polisario, and he reiterated his readiness to continue encouraging the neighbouring States to assist in finding a way forward.

6. During the period from November 2013 to March 2014, my Personal Envoy initiated a new series of consultations with members of the Group of Friends of Western Sahara, visiting successively Washington, D.C., Paris and Madrid. In those consultations, he sought the renewed support of interlocutors for his new approach and for his emphasis on the need for the parties to address both the substance of a mutually acceptable political solution and the means of exercising self-determination. He also requested that the members of the Group join him in impressing upon the parties the need for flexibility in the search for a compromise.

7. Interlocutors in all three capitals expressed their support for my Personal Envoy's new approach and their understanding of the need to address both the substance of a solution and the means of achieving self-determination. Similar visits to London, Moscow and other capitals will be arranged on a mutually agreed schedule.

8. From 18 to 30 January 2014, my Personal Envoy visited the region to take the first practical steps in the new approach by presenting a number of questions to the parties to clarify the issues, their positions and their readiness to be flexible. To preserve the confidentiality of the discussions, and as agreed with the parties and neighbouring States, he made no statements to the press.

9. In Rabat and in Tindouf, my Personal Envoy met with the parties' newly formed working groups to present questions tailored to each party, on a confidential basis. These were deliberately challenging, designed to push the parties outside their comfort zone, introduce them to conversations different from those of the past and encourage them to demonstrate flexibility as they begin to consider alternatives to their initial positions and to search for elements of compromise. In Algiers and in Nouakchott, the emphasis was on encouraging the Governments of Algeria and Mauritania to find new ways to assist in the search for a solution.

10. In every encounter, my Personal Envoy made it clear that, for some 30 years, the United Nations had used all possible means to help the parties to reach a settlement, including the negotiation of plans, the organization of face-to-face meetings and, now, bilateral consultations with the possibility of shuttle diplomacy. He emphasized that options were running out for the negotiating process and that progress needed to be made in the course of 2014, since delays were to no one's advantage. In that regard, his contacts with the members of the Group of Friends had revealed a growing impatience and mounting pressure to deliver tangible results, lest the continued instability and tension in the wider Sahel and the growing frustration of the refugee population in the camps near Tindouf begin to feed upon each other in ways detrimental to the interests of peace and security throughout the region.

11. My Personal Envoy returned to the region from 27 February to 7 March 2014 to meet with the working groups formed by Morocco and the Frente Polisario and to receive their responses to the questions put to them during the consultations held in January 2014. He also pursued his discussions in Algeria and Mauritania on how best they could contribute to the search for a settlement.

12. In agreeing to the new approach presented during previous consultations, the parties had also agreed to a code of conduct that imposed the rule of confidentiality in their discussions with my Personal Envoy, except when they explicitly agreed that something could be shared more widely. That being the case, my Personal Envoy again refrained from making any statements to the press. At this early stage, he has only reported that the responses received in the first exercise with the parties remained within the parameters of their respective formal proposals, despite the exhortations from many quarters that they go beyond their proposals and demonstrate flexibility in identifying elements of compromise. At the same time, he has reflected a measure of hope that the parties may be able to take a more flexible approach in future discussions.

13. During the reporting period, MINURSO continued to monitor adherence to the military agreements and the ceasefire regime by conducting ground and aerial patrols, as well as visiting units of the Royal Moroccan Army and the military forces

of the Frente Polisario. MINURSO military and police personnel also provided medical and logistical support for the United Nations High Commissioner for Refugees (UNHCR), whose staff is fulfilling its mandate requirements in the camps and implementing its programme of confidence-building measures in accordance with the agreed Plan of Action and in conformity with the relevant Security Council resolutions.

14. My Special Representative maintained regular contact with the parties to foster constructive dialogue in discussions on Mission mandate implementation and related operational matters, and to employ his good offices to promote the resolution of issues relating to the ceasefire and confidence-building measures. He briefed and held multiple consultations with the Moroccan and Frente Polisario authorities, visiting delegations from Member States and international non-governmental organizations, as well as officials in Algeria and Mauritania about the Mission's mandate and the challenges involved in its activities. My Special Representative also held regular meetings with the regional offices of the Moroccan National Human Rights Council in Laayoune and in Dakhla. On 12 May 2014, I appointed Kim Bolduc (Canada) as my Special Representative for Western Sahara and Head of MINURSO. She will assume her functions on 1 September.

15. The Mission's political office maintained regular and constructive engagement with the respective Moroccan and Frente Polisario coordinators for MINURSO. The Mission continued its efforts to improve the scope of its reporting to the Security Council, to the Secretariat, and in support of my Personal Envoy, focusing on local developments and situational analysis, drawing on open-source information.

16. The Mission continued to make significant progress in reducing the threat and impact of landmines and explosive remnants of war, through effective support to humanitarian action east of the berm, and effective cooperation continued between the Mine Action Coordination Centre and both parties.

17. As stated during his briefing to the Security Council in April 2014, my Personal Envoy intends to pursue his bilateral consultations, within the framework of the successive Security Council resolutions, in preparation for a resumption of face-to-face talks. He had informed the parties and the neighbouring States that he intended to return to the region every six weeks beginning in May 2014. While all interlocutors agreed in principle to that calendar, Morocco expressed reservations over parts of my report of April 2014 to the Security Council on Western Sahara (S/2014/258) and stated its desire to clarify the objectives and framework of the negotiating process before agreeing to dates for the next trip to the region. In June 2014, my Personal Envoy, as well as several United Nations senior officials, held extensive consultations with Morocco in New York. My Personal Envoy also met with members of the Group of Friends, who stressed the need for a speedy resumption of mediation efforts. My Personal Envoy expects all interlocutors to be ready to continue the negotiating process before his next briefing to the Council in October 2014.

18. I remain concerned over the continued stalemate in the negotiating process and remind the parties and the international community of their respective responsibilities to find and foster a solution to the conflict. I therefore reiterate my call to the parties to move towards a solution without further delay and, to that end, urge them to engage in genuine negotiations with the support and facilitation of my Personal Envoy.

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Sixty-ninth session
Item 50 of the provisional agenda*
United Nations Relief and Works Agency for Palestine Refugees in the Near East

Persons displaced as a result of the June 1967 and subsequent hostilities

Report of the Secretary-General

Summary

In its resolution 68/77, the General Assembly requested the Secretary-General, after consulting the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, to report on the progress made with regard to the implementation of the resolution.

The present report pertains to correspondence between the Secretary-General and the Permanent Representative of Israel to the United Nations regarding action taken by the Government of Israel in implementing the relevant provisions of the resolution. It also presents the information made available by the Commissioner-General to the Secretary-General on the return of refugees registered with the Agency to the West Bank and the Gaza Strip from Jordan, Lebanon and the Syrian Arab Republic.

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1. In its resolution 68/77 on persons displaced as a result of the June 1967 and subsequent hostilities, the General Assembly requested the Secretary-General, after consulting the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), to report on the progress made with regard to the implementation of the resolution. The present report is submitted to the Assembly pursuant to that request.

2. On 19 May 2014, the Secretary-General addressed notes verbales to the Permanent Representatives of Member States to the United Nations, including the Permanent Representative of Israel, in which he drew attention to his reporting responsibility under resolutions 68/76 to 68/80 and requested them to inform him of any action that their Governments had taken or envisaged taking in the implementation of the relevant provisions of the resolutions.

3. In a note verbale dated 21 July 2014, the Permanent Mission of Israel replied as follows:

> The Permanent Mission of Israel to the United Nations presents its compliments to the Secretary-General and has the honour to refer to the latter's note dated 21 May 2014 concerning resolutions 68/76 to 68/80 adopted by the General Assembly at its sixty-eighth session under the agenda item entitled "United Nations Relief and Works Agency for Palestine Refugees in the Near East".
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> While Israel voted, as it has done in the past, against those resolutions owing to their politicized character and one-sided perspective, the Permanent Mission wishes to reiterate Israel's support for the humanitarian activities of UNRWA.
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> Despite an ongoing and acute threat to its security, Israel has gone to great lengths to foster conditions for Palestinian economic development and cooperation, approving a substantial number of UNRWA projects and facilitating UNRWA humanitarian assistance to its Palestinian beneficiaries.
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> Since 2010, 277 international projects have been approved for the benefit of the civilian population in Gaza. As at December 2013, 161 projects had been completed and 44 were being implemented.
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> As at 31 December 2013, 30 UNRWA projects had been approved, of which 24 had not yet been implemented on the ground by UNRWA. In 2013, UNRWA completed the construction of 30 new school buildings.
>
> The Government of Israel has taken further steps to facilitate the crossing of both people and goods in and out of the Gaza strip. All civilian goods are allowed into Gaza, with the exception of weapons and "dual-use" items (items that can easily be appropriated for terrorist activities). During 2013, 59,883 truckloads of goods entered Gaza, including 2,311 truckloads of medical supplies, and 560 truckloads of goods, spices, fruits, vegetables and flowers were exported from Gaza through Israel to Europe.
>
> Notwithstanding the ongoing security threats posed by the Hamas rule in Gaza, 2013 shows an increase in the number of Palestinians entering Israel. In this regard, during 2013, 69,323 Palestinians crossed to Israel through the Erez terminal and over 1 million Palestinians from the West Bank entered Israel during Ramadan.

High priority is given to humanitarian cases. Israel is doing its utmost to facilitate the entry of patients in need of medical treatment. In 2013, 13,734 medical permits for Gaza Palestinians were granted, a 40 per cent increase compared with 2012. In this regard, Israel also works closely with the Palestinian Ministry of Health to support the medical needs of the Palestinian population in the West Bank. In 2013, 225,410 medical-related permits were issued, 100,145 for patients, 121,967 for family members accompanying patients and 3,298 for visiting patients receiving treatment in Israel. In addition, Israel promotes the development of the Palestine health system through several different programmes and training. In 2013, 2,314 Palestinian doctors, nurses and other medical health-care professionals attended the 159 courses, conventions and programmes that Israel hosted.

In 2013, the Government of Israel continued taking steps to ease security-related restrictions in the West Bank. Roadblocks were removed throughout Judea and Samaria and there is a free flow of movement between all major Palestinian cities, from Jenin in the north to Hebron in the south.

Notwithstanding the above, terrorist organizations in the West Bank and the Hamas-controlled Gaza Strip remain active in planning, preparing and executing terrorist attacks on Israeli civilians. In 2013, 1,271 terror attacks took place in Judea and Samaria, a 110 per cent increase compared with 2012. It is also important to emphasize the change in the nature of the terror attacks. 2013 saw a 500 per cent increase in terror attacks using firearms and explosives.

In 2013, Gaza terror elements, headed by Hamas and Palestinian Islamic Jihad, continued efforts to strengthen their military capabilities, in particular increasing the size and range of their rocket arsenal (long-range rockets, up to 110 km).

Much effort was also put into the building of offensive tunnels constructed some 20 m underground and crossing the Gaza border into Israel. In 2013, two tunnels were discovered and demolished: one near Nir Oz (January 2013) and another near Ein Hashlosha (October 2013). The tunnels were constructed using approximately 24,000 concrete slabs (allowed by Israel into Gaza for the building of humanitarian projects) and were tall enough inside to allow people to stand fully upright as they travelled along them.

The purpose of the tunnels is to allow the infiltration of terrorists from the Gaza strip into Israeli civilian villages and cities in order to carry out terror attacks.

Hamas invests tens of millions of dollars into the construction of these terror tunnels instead of investing the money in schools, civilian industry and employment.

In 2013, the Hamas rule of terror in Gaza committed crimes, not only towards Israelis and toward Palestinians living in Gaza, but also towards United Nations staff. The latest UNRWA report describes the torture of a staff member of UNRWA by Hamas in Gaza.

Notwithstanding its support for UNRWA humanitarian activities, Israel remains concerned by the political motivation of the aforesaid resolutions and

is disturbed by the fact that they present a one-sided view that fails to reflect the reality on the ground.

As a derivative of the political nature of the resolutions, UNRWA took it upon itself to promote the Palestinian narrative and to use humanitarian funding for the purpose of advocacy. There is no shortage of advocacy organizations for the Palestinian cause and Israel strongly objects to the blunt misuse by UNRWA of the funds that the international community donates for the welfare of Palestinian refugees. For example, while complaining about a serious funding shortage and the cancellation of important humanitarian programmes such as summer camps in Gaza, UNRWA, in its 2013 report, takes pride in its communication outreach, securing 56,238 mentions in the Arabic- and English-language media and 1,083 positive mentions in Arabic and international media. This is not a role of a humanitarian organization. UNRWA is a work and relief organization and not a press outlet.

Israel supports a consolidation of UNRWA resolutions and a removal of all extraneous political language. Moreover, Israel urges the Secretary-General and UNRWA to consider, together with the parties concerned, ways in which the United Nations can enhance the manner in which it advances the welfare of the Palestinian people.

In this respect, Israel strongly supports an application to the Palestinian situation of the standard principles guiding the United Nations with regard to treatment of refugees elsewhere. Specifically, the UNRWA mandate should be consistent with the standard United Nations policy on refugees. Furthermore, the UNRWA mandate should include the active promotion in the Palestinian context of the broadly applied United Nations goals of resettlement and local integration of refugees.

While other refugee populations are not treated by UNRWA, thereby allowing for a gradual decrease in their numbers commensurate with their rehabilitation into civilian life, the Palestinian refugee population is growing at an exponential rate (from 700,000 in 1949 to 4.2 million in 2005 to 4.9 million in 2012 and is due to reach 6.2 million in 2020). As the resolutions are of a political nature, UNRWA as an organization does not aspire to create a solution to the refugee problem and rehabilitate the refugees, but rather merely "freeze" and perpetuate their current status. Those refugees (now into their fourth generation) are reliant on international aid and funds for their health, education and livelihood. The aspiration to maintain the political issue at the expense of the humanitarian needs of the refugees, as reflected in the resolutions, is also manifest on the ground: even the Palestinian Authority refuses to take responsibility for providing services to the refugee population in areas under its complete control, insisting on the "exclusivity" of UNRWA in that respect.

Not only does the Palestinian Authority refuse to take responsibility for alleviating some of the problems experienced by refugees residing within the territory under its control, but it also puts an additional financial burden on the organization by collecting value added tax illegally. According to the latest UNRWA report, the Palestinian Authority owes the organization $89.77 million in tax returns.

4. In connection with paragraph 5 of General Assembly resolution 68/77, the Secretary-General has obtained from the Commissioner-General of UNRWA the information available to him on the return of refugees registered with the Agency. As indicated in previous reports on the subject, the Agency is not involved in any arrangements for the return of refugees, nor is it involved in any arrangements for the return of displaced persons who are not registered as refugees. Its information is based on requests by returning registered refugees for the transfer of their UNRWA registration records from Jordan, Lebanon or the Syrian Arab Republic to the areas to which they have returned. The Agency would not necessarily be aware of the return of any registered refugees who did not request the transfer of their registration records. So far as is known to the Agency, from 1 July 2013 to 30 June 2014, 242 refugees registered with UNRWA returned to the West Bank and 257 to the Gaza Strip from places outside the occupied Palestinian territory. It should be noted that some of those may not have been displaced in 1967, but may have been displaced in earlier or later years or may be members of the family of a displaced registered refugee. Thus, taking into account the estimate given in paragraph 3 of the previous report (A/68/347), the number of displaced registered refugees who are known by the Agency to have returned to the occupied territories since June 1967 is about 35,628. The Agency is unable to estimate the total number of displaced inhabitants who have returned. It keeps records only of registered refugees and, as noted above, even those records, in particular with regard to the location of registered refugees, may be incomplete.

5. In connection with paragraph 3 of General Assembly resolution 68/77, the Secretary-General refers to the report of the Commissioner-General of UNRWA for the period from 1 January to 31 December 2013 (A/69/13) and to the previous reports of the Commissioner-General for accounts of the ongoing assistance provided by UNRWA to persons displaced and in need of continued assistance.